

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRY LEE MONTGOMERY,

Petitioner,

No. CIV S-04-2116 FCD DAD P

vs.

W.A. DUNCAN, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

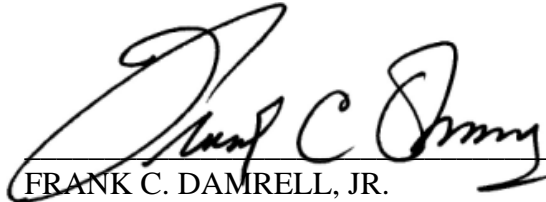
On September 10, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 10, 2008, are adopted in full; and
2. Petitioner's application for a writ of habeas corpus is denied.

DATED: October 21, 2008.

A handwritten signature in black ink, appearing to read "Frank C. Damrell, Jr.", is written over a horizontal line.

FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE